

**CITY COUNCIL WORK SESSION
CITY OF WATERTOWN
September 08, 2014
7:00 p.m.**

Mayor Jeffrey E. Graham Presiding

Present: Council Member Roxanne M. Burns
Council Member Joseph M. Butler, Jr.
Council Member Stephen A. Jennings
Council Member Teresa R. Macaluso
Mayor Graham

Also Present: Sharon Addison, City Manager

City staff present: Ken Mix, Erin Gardner, Justin Wood, Kurt Hauk, Eugene Hayes, Ann Saunders

DISCUSSION

Haney Street Purchase

Mayor Graham discussed a memo (not on file in City Clerk's Office) regarding the sale of 120 Haney Street.

Council concurred to move forward.

Court Street-Berow Monroe Building

Mayor Graham stated he has talked to people familiar with Downtown Development and a decision needs to be made.

Council Member Butler commented that he does not want to spend any more money on legal fees to get the property back. If Mr. Rahmi does not do what Council asks of him, then the City should get back the property. He stated that the track record is not good and that at best, he is cautiously optimistic that the plans will be completed.

Council Member Macaluso agrees with Council Member Butler in that an ultimatum needs to be given to complete the project within a certain time frame or the City will take back the property. She reiterated that historically Mr. Rahmi is not good on his word. She said to "let the chips fall where they may" and not spend a lot of money taking him to court because it will be a waste of time and money.

Council Member Jennings asked Council what the timeline is that they are proposing.

Council Member Butler stated that the timeline was 15 months. He said it was his understanding that the legal process would take up to 12 months. He noted that in the end, the City does not want the property and the City wants someone to come in and develop it.

Mayor Graham stated that he does not understand the rational and motivation for an individual who is from Detroit and has had some problems there, suddenly wanting to develop a 10 or 12 unit apartment project on Court Street in Watertown. He noted this is a saturated housing market. He also noted that

the reversion language was left out of the original agreement. He questioned why the City should even have to pay for the legal fees.

City Manager Addison said she could not answer that.

Council Member Macaluso stated that Mr. Rahmi should be given a four month timeframe and if he does not complete it by then, the City should take it. She questioned why the City would drag it through court and spend a ton of money on legal fees. She commented that she does not see the point in spending the money on legal fees for something that will ultimately end up back in the City's lap anyway.

Mayor Graham asked Ms. Addison if the taxes are current on the building.

Ms. Addison stated that the taxes were paid.

Mayor Graham estimated that the plans cost \$5,000 to \$6,000 so some money has been spent on the project. He questioned where Mr. Rahmi's income and cash flow is coming from because the estimate for the project was originally a couple million dollars. He again questioned the rationale in sinking that much money into developing the building. He mentioned that Codes is well aware that sometimes developers come in with some crazy ideas about doing projects and they do not always make sense.

Council Member Burns stated she has mixed feelings on the project. She was one of the first Council Members that was in favor of the project when Mr. Rahne and his Attorney, Mr. Capone, came to the City. She supported it originally but at this point is no longer in favor of giving him a second chance. She also stated that she has not heard anything else from Attorney Capone. She commented that she agrees with Mayor Graham in that the City does not have anything concrete on what Mr. Rahmi's plans are and it is suspicious. She pointed out that the reality is Mr. Rahmi does not have the funding lined up and if he does not have an end game as to the reuse of the property, she cannot understand how it would be feasible for Mr. Rahmi as a private individual. She indicated that the last time she toured the building it was in very bad shape and she would have to assume it is even worse now. She addressed the fact that the reversion clause was left out of the contract by the City's Attorney.

Mayor Graham commented that he never understood why Mr. Rahmi purchased the building in the first place. He noted that there are plenty of people such as Don Rutherford, the Trust or Mr. Beasley who would most likely help utilize it if it is at all viable. He pointed out that we are just treading water; Council should give Mr. Rahmi 30 days to show Council he is serious about his plans.

City Manager Addison pointed out that a "Gentleman's Agreement" was made between City Attorney Slye and Mr. Rahmi's Attorney.

Council Member Macaluso noted that even though Mr. Rahmi has been jerking the City around for two years, he pays his taxes so they cannot just go in and say the City is going to sue him to take his property back. She said that he has to be given the opportunity to do the project. She suggested he re-signs the contract and be given a year but if nothing has been done at that point, the City takes it back.

Council Member Jennings pointed out that he has talked to Codes about the condition of the building and it is deplorable on the inside but the roof has been repaired.

Council Member Burns reiterated that the omission of the reversion clause in the deed at the time was left out in error by the City's seasoned Attorney, and was wondering if there is any recourse. She pointed out that this error could end up costing the City money. She mentioned that even though we are the City, we are still his clients.

Council Member Macaluso agrees with Council Member Burns and believes something should be worked out so the City is not left holding the bag. She said that the clause needs to be put back in.

Council Member Butler suggested that the City Manager come up with a draft agreement with certain milestones to be reached and to present them to Mr. Rhami.

The Deck at Maggie's

Mayor Graham told Council that it was suggested the City fix the deck since it is City property. He stated that he suggested to Mr. Schweitzer that he leases the deck from the City. He pointed out that he has approached all the Council Members to see what direction they want to go in and a couple members do not want to spend the money. He reiterated that it has been a topic for five years. He told Council Mr. Schweitzer said he would go along with a lease. He noted that if the majority of Council does not want to do the lease, he understands but asked for the Council's thoughts.

Council Member Macaluso stated that she is not in favor of spending \$30,000 to fix the deck. She pointed out that she does not know what the answer is but financially she does not believe the City is in the position to spend that kind of money. She noted that if it was used more by the public, she might reconsider but since it is mostly used for Maggie's it would be a lot to ask the taxpayers to be saddled with.

Council Member Butler said he had a good talk with Mr. Schweitzer and his job is to try to get the deck fixed for free but the City's job is to try to make him pay for it. He mentioned that the deck only benefits Maggie's and although it could be used publicly, it is not adjacent to the street or playground. He pointed out that for the City to spend \$30,000 for one entity at this point does not make sense. He mentioned that Mr. Schweitzer's estimate to fix the deck is less than \$30,000 so if we allow the lease to go through maybe Mr. Schweitzer can take a crew in and fix the deck.

Council Member Burns stressed that from the beginning of this topic she has been perhaps the most outspoken about how dismayed she was that the City used taxpayers' money to affix a deck to a privately owned building. She remarked that she has become tired of the subject and the taxpayers in the City do not understand why or how the deck situation occurred. She added that she has been out to dinner in other local restaurants and they have asked her when the City is going to build them a deck. She noted that the only logical use for the deck is for Maggie's to use it. She stated that the deck never should have been built in the first place but it is there and it is what it is. She said she agrees with Council Member Butler and that it will never be used publicly, no one is going to just walk up to a restaurant and think it is a public place to sit without patronizing the restaurant. She stressed that she will not support putting any more money into this project but would be willing to lease it to the owner of Maggie's and let them do the repairs. She pointed out that the City has to go along with the prevailing wages. She said that Attorney Slye has already told Council this and if Council asks again, he will say that this probably cannot be done and the State of New York will punish the City. She stated that she is willing to go out on a limb because the State should have bigger issues than coming after Watertown for

a deck. She said she would plead her case and try to do what she can to let NYS know that this is something that has to be done. She stressed that the City has brought on State Officials to help resolve this but they promise help and assistance and it has never happened.

Newell Street River Walk Traffic Report - Kurt W. Hauk, City Engineer

Mayor Graham started by stating that the brush needs to be cut back so the river is better exposed.

City Manager Addison noted that it is a steep cliff and the removal of the trees could create an erosion problem. The City might have to bring in tree experts and contract them out.

Council Member Butler noted that the brush is bad on both sides and that not much can be done on the side where there are steep cliffs but a lot of work could be done on the other side of the walkway. The brush is starting to encroach on the parking lot and the tables.

Mayor Graham asked if the City ever got any numbers on the traffic usage in the area.

Council Member Butler noted it was opened for traffic in June until December in 2003 and asked Mr. Hauk if it was any different than it is today. He asked what is different structurally today compared to back then.

Mr. Hauk showed slides of two obstacles which did not exist back in 2003 and they were the staircase landing which was part of JB Wise project and the raised manhole.

Mayor Graham asked what the purpose of the raised manhole was.

Mr. Hauk stated it was part of the sewer work the City did during the JB Wise project. He explained that they converted the sewer system and because of the grades, they had to elevate the manhole to keep the grade consistent. He pointed out that it is the east end that is creating the most trouble and the west end is the least problematic. There needs to be a two way or three way stop near Arch Street and the lower lane could be converted to a shared bike lane which is what is happening on Factory Street. He added that traffic would have to be a right turn only and summarized the traffic concerns on Newell Street exiting onto Mill Street.

Council Member Butler noted that slide six of the project would be disruptive to all of downtown. He noted how easy it is to get in fender benders currently and that it might become worse.

Mr. Hauk mentioned that there are guidelines that have to be followed and stated that is why on Factory Street, there is a shared bike lane as opposed to a designated bike lane. He noted that right now the area is all trail since it is not open to traffic, and that opening it up just to traffic is also a possibility.

Council Member Macaluso commented that another road would not be needed since Black River Parkway is already right there. She does not want to spend money on a road that would be right next to the other road.

Mayor Graham asked Council Member Burns what led to the reversal of it being a road in the first place. She said her recollection is that businesses complained that the road was not working and Council went

ahead with the reversal with a 4 to 1 vote. She commented that she hoped usage of the park would increase but that has not happened yet.

Council Member Butler commented that it is a nice area and whether it is a street or a trail for bikes, it needs better exposure. He asked if the manhole had to be removed.

Mr. Hauk said it will be pricy to remove it; the City would have to change the entire grade. He noted that there is not enough width to do a two way street and also have a trail.

Council Member Jennings agreed with Council Member Macaluso regarding Black River Parkway. He added that with the current development downtown, the people moving into the downtown area may want more recreation. He advised that he is not averse to changing it, but he would prefer to wait.

Council Member Macaluso asked if the Factory Street reconstruction is going to have any effect on the corner. The conversation focused on the intent of Factory Street being a shared bike lane and an extension of the trail system. She pointed out that she would like to put this project off and see what happens with Factory Street. She is not convinced this project is worth the money.

Mayor Graham asked where everyone stands at this point and the conversation turned to traffic flow on Factory Street.

Council Member Butler stated that he did not realize there were so many obstacles and if it was an easy fix, everyone would be more apt to move ahead but it is not an easy fix.

Mayor Graham pointed out that Council has tendencies to find ways or reasons for not doing things. He ended the discussion by stating that Council was in agreement not to do anything with the project at this time.

Park Rules - Kenneth A. Mix, Planning and Community Development Coordinator

Ken Mix and Erin Gardner came forward with a presentation of the different signs to possibly be used in the parks and playgrounds.

Mayor Graham stated that Council has gone over the sign options and rules for the hours of park operation before. He asked Ms. Gardner if there are signs in all of the parks.

Ms. Gardner indicated that there were and the signs state hours of operation, no dogs, no smoking etc.

Ken Mix said that all river parks have signage. He noted that Thompson Park has a nice large sign at the Park Circle and a smaller one at the Franklin Street entrance. He pointed out there is not one at the Gotham Street entrance because they could not find a proper place where it could be seen. He noted that the proposed signs would be different than the entrance signs and would not be large signs (most likely about 16 X 25).

Mayor Graham said the signs at the entrances are one thing and that the proposed new signs are for guidance once you are inside the park.

Mr. Mix noted the signs would be strategically placed throughout the park.

Council Member Macaluso remarked that she likes the signs and thinks they pick up on the important points.

Council Member Burns commented that she likes the City Seal on the side.

Mr. Mix noted that there is one problem with the seal and it would have to be outsourced because the process would have to be some sort of special vinyl stick on.

Mayor Graham suggested that it is important to have no alcohol or tobacco listed on the playgrounds but that at other parks it might not be necessary. He asked Mr. Mix if smoking is allowed in Thompson Park.

Mr. Mix stated that there are designated smoking areas at certain parks and it must be 100 feet from playgrounds. He referred Council to Section 216-6.

Mayor Graham stated that he does not think a permit for alcohol should be required in the park.

Council Member Macaluso commented that she feels a family should be able to have a picnic at the park and if they wanted to bring a six pack of beer that should not be an issue. She clarified that the permit should be for large groups that would be having a lot of alcohol.

Mayor Graham questioned the City's policy regarding alcohol permits at the park and mentioned the Fourth of July event as an example. He noted his concern about the City's responsibility for event-goers at such an occasion when alcohol is present. Mentioning that he feels there should not be alcohol allowed after dark, he asked the City Manager if the City issues itself a permit for these types of gatherings.

Ms. Addison replied that it does and further explained, in response to the Mayor, that it allows for alcohol to be served and for individuals to bring their own.

Ms. Gardner clarified that the City does not advertise that people can bring their own alcohol.

Mayor Graham said that if someone came to him and asked him to sign a permit allowing a thousand people to have alcohol at the park, he would not sign it.

Council Member Macaluso pointed out that the permit is just stating that alcohol is allowed and she does not think anyone expects the City to be responsible for people's actions.

Mayor Graham again informed Council that he does not think a permit for alcohol should be enforced unless there are reservations for a specific event.

Ms. Gardner clarified that they do not get requests from people for alcohol permits if they just want a picnic. Parks and Recreation only get requests for alcohol permits when people reserve a large area. She stated that Parks and Recreation are well aware that people that have not reserved a spot go up to the park and bring alcohol. She stated that it happens and there is no way to police it. She reiterated that 100% of the alcohol permits done, align with reservations.

Mayor Graham stated that unless it is a large event there should not be a sign at the park that says alcohol is not allowed.

Mr. Mix said that at the last discussion, a decision was made to amend Chapter 75 in order to allow Parks & Recreation to issue alcohol permits for more parks. He explained that Section 75-3 was added as well which allows Council to waive the requirement for permits for community events.

Mayor Graham questioned how the City would get around needing a permit for a reserved area or large event. He again mentioned that he just does not like to see a sign at the Park that says alcohol or tobacco is not allowed.

Ms. Gardner commented that there is a smoking issue at the Fairgrounds. She noted that parents and spectators smoke by the kid's bench. She noted that there are not enough staff members to enforce a no smoking policy.

Council Member Butler pointed out that the State does not allow dogs on playgrounds.

Ms. Gardner stated that dogs cannot be within 100 feet of playgrounds.

Mayor Graham confirmed that the playground signs should have the hours, respect others, no glass, dogs, tobacco or alcohol listed on them.

Council Member Butler informed Council that if the park changes the closing time later, he believes that it is asking for trouble and that the City Police Officers have more to worry about after 10:00pm then kicking people out of the park.

Ms. Gardner advised Council that there has been an issue with vandalism at the park at night. She said it is not well lit and people have damaged benches and the bathrooms.

Mayor Graham questioned some of the rules and hours of operation for the parks. He stated that some of the rules Council agrees on but there are some that they do not agree on and he advised that this will have to be resolved by voting. He stated that he thinks Council over thinks the rules and that parameters are needed.

Council Member Macaluso noted that there has to be some restrictions. She does not believe anyone needs to be in the park late at night.

Council Member Butler stated that he thinks the park hours are fine being closed from 9:00pm – 6:00am

Mayor Graham said he will vote against the hours being closed 9:00pm – 6:00pm. He stated that the Fairgrounds should not be closed at 9:00pm

Council Member Butler and Ms. Gardner clarified that the Fairgrounds is open all night.

Mayor Graham noted that Council was in agreement regarding the hours for the playgrounds and later hours for certain parks such as Waterworks. He mentioned that Veterans Memorial Park would not be one that he would personally visit at night.

Ms. Gardner highlighted that if there is a big event at the park such as a wedding or organizational event, a permit for alcohol is required and reservations are required.

Ms. Gardner requested that these topics be discussed at next week's Council meeting.

Council discussed past rules and regulations for the Parks and Playgrounds.

Mayor Graham reiterated that certain parts of the park such as the lookout area and the upper area by the Golf Course could be open later.

Council Member Butler stressed again that he does not agree with Mayor Graham and that it is a mistake to have Police Officers patrol the park at night. He questioned why Mayor Graham wants that scenario.

Mayor Graham stated that it is a difference of opinion and he respects that.

Council discussed that the City put BBQ grills and picnic tables in the downtown pavilion area so people can use them and not have to reserve them.

Council turned the conversation back to the alcohol use in the park and agreed to leave Chapter 75 as it is.

Ms. Gardner stressed to Council that in November when this was discussed they agreed that areas would only be reserved to 9:00pm so therefore there would be no alcohol permits issued after 9:00pm.

Mayor Graham mentioned that next week's Council meeting is a full agenda and therefore tonight's topics will be discussed at the first meeting in October.

Work session ended at 9:00 pm.

Margaret M. Puccia
Deputy City Clerk